

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORNWALL MANAGEMENT LTD and OLEG
SOLOVIEV a/k/a OLEG VALENTINOVICH
SOLOVIEV,
Plaintiffs,

12 CIV 08551 (LLS)

**VERIFIED MOTION FOR
ENTRY OF A CERTIFICATE
OF DEFAULT BY THE CLERK**

v.

THOR UNITED CORP. a/k/a THOR UNITED
CORPORATION, JON DOE THOR ENTITIES,
ATLANT CAPITAL HOLDINGS, LLC, OLEG
BATRACHENKO a/k/a OLEG BATRATCHENKO,
a/k/a O.V. BATRACHENKOV, PETER KAMBOLIN,
NORTH 3RD DEVELOPMENT, LLC, and ABRAHAM
BENNUN,
Defendants.

Name of Assigned Judge:
Honorable Louis L. Stanton

_____/

Plaintiffs, Cornwall Management Ltd. and Oleg Soloviev ("Plaintiffs"), by and through its undersigned counsel, pursuant to Fed. R. Civ. P. 55(a) and Local Civil Rule of the S.D. N.Y. 55.1, moves for the entry of a certificate of default by the Clerk against Defendant, Thor United Corp. ("Defendant"), and in support hereof states as follows:

1. On November 21, 2012, Plaintiffs commenced the instant action by the filing of a summons and complaint in the United States District Court for the Southern District of New York.

2. On February 13, 2013, a copy of the summons and complaint was served personally on Defendant, Thor United Corp. The receipt of service was filed with the Court on March 13, 2013, as was the affidavit of service filed with the Court on March 13, 2013. [D.E. 14].

3. On February 26, 2013, Plaintiffs filed an amended complaint and summons with the Court. [D.E. 8].

4. On March 13, 2013, Plaintiffs *served* its certificate of service of the amended complaint and summons on Defendant, Thor United Corp. [D.E. 15].

5. Also on March 13, 2013, Plaintiffs *served* the amended complaint and summons on Defendant, Thor United Corp., pursuant to the following sections of New York State Law Sections §102(a)(11), §306, §306-A, and §307 of the Business Corporation Law. [D.E. 16].

6. Defendant's response to the amended complaint was due on or before April 3, 2013.

7. To date, Defendant has failed to plead or otherwise defend the action by failing to file or serve any response to the Complaint.

8. Defendant is a New York corporation, and therefore Defendant is not an infant, an incompetent person, nor in the military service.

WHEREFORE, Plaintiffs, Cornwall Management Ltd. and Oleg Soloviev, respectfully request the Clerk to enter a certificate of default in the form substantially attached hereto as **Exh. A**, against the Defendant Thor United Corp.

VERIFICATION

Under penalties of perjury, pursuant to 28 U.S.C. §1746, I declare that I have read the foregoing Verified Motion for Entry of a Certificate of Default by the Clerk, and that the facts stated herein are true.



Cherish A. Thompson, Esq.

Dated: New York, New York
April 8, 2013

Respectfully submitted,
Cherish A. Thompson and Associates, P.A.
Attorneys for Plaintiffs
Brickell Bay Office Tower
1001 Brickell Bay Drive, Suite 2014
Miami, Florida 33131
Telephone: 305.639.8600
Facsimile: 305.402.2828
eService@cherishthompson.com

cherish@cherishthompson.com

By: /s Cherish A. Thompson, Esq.
Cherish A. Thompson, Esq. (CT-7007)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via electronic filing using the CM/ECF system with the Clerk of the Court which sent e-mail notification of such filing to all CM/ECF participants in this case and via regular US mail to all participants who are not on the list to receive e-mail notice/service for this case on this 8th day of April 2013. I FURTHER CERTIFY that a true and correct copy of the foregoing was served via U.S. Regular Mail on this 8th of April 2013, to Defendant, **Thor United Corp.**, 1370 Broadway, 5th Floor, Unit 530, NY, NY 10018.

/s Cherish A. Thompson, Esq.
Cherish A. Thompson, Esq.

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORNWALL MANAGEMENT LTD and OLEG
SOLOVIEV a/k/a OLEG VALENTINOVICH
SOLOVIEV,

Plaintiffs,

v.

THOR UNITED CORP. a/k/a THOR UNITED
CORPORATION, JON DOE THOR ENTITIES,
ATLANT CAPITAL HOLDINGS, LLC, OLEG
BATRACHENKO a/k/a OLEG BATRATCHENKO,
a/k/a O.V. BATRACHENKOV, PETER KAMBOLIN,
NORTH 3RD DEVELOPMENT, LLC, and ABRAHAM
BENNUN,
Defendants.

12 CIV 08551 (LLS)

CLERK'S DEFAULT

Name of Assigned Judge:
Honorable Louis L. Stanton

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on November 21, 2012 with the filing of a summons and complaint. A copy of the summons and complaint was served on Defendant, Thor United Corp., by serving the New York Secretary of State on February 13, 2013. Proof of such service thereof was filed on March 13, 2013. On February 26, 2013, plaintiffs filed an amended complaint. A copy of the amended complaint was served on Defendant, Thor United Corp., by serving the New York Secretary of State on March 13, 2013. Accordingly, a response was due on or before April 3, 2013. I further certify that the docket entries indicate that Defendant, Thor United Corp., has not filed an answer or otherwise moved with respect to the amended complaint herein. The default of the Defendant, Thor United Corp., is hereby noted.

Dated: New York, New York
April __, 2013

RUBY J. KRAJICK
Clerk of the Court

By: _____

Deputy Clerk